

SECOND REGULAR SESSION

SENATE BILL NO. 757

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR CLEMENS.

Pre-filed December 15, 2005, and ordered printed.

TERRY L. SPIELER, Secretary.

3987S.011

AN ACT

To repeal section 252.043, RSMo, and to enact in lieu thereof two new sections relating to illegal deer harvest.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 252.043, RSMo, is repealed and two new sections
2 enacted in lieu thereof, to be known as sections 252.038 and 252.043, to read as
3 follows:

**252.038. 1. In addition to the penalties provided in section
2 252.040, any person convicted of taking, killing, possessing, or disposing
3 of a deer with the intent to sell any part of such deer in violation of
4 methods, seasons, and limits as defined and permitted by commission
5 rules and regulations, shall be required to provide restitution to the
6 state in an amount as follows:**

7 **(1) For each antlered deer with a certified Boone & Crockett
8 gross score of at least one hundred points and not more than one
9 hundred twenty-five points, one thousand five hundred dollars;**

10 **(2) For each antlered deer with a certified Boone & Crockett
11 gross score of at least one hundred twenty-five points and not more
12 than one hundred fifty points, three thousand dollars;**

13 **(3) For each antlered deer with a certified Boone & Crockett
14 gross score of at least one hundred fifty points and not more than one
15 hundred seventy points, five thousand five hundred dollars;**

16 **(4) For each antlered deer with a certified Boone & Crockett
17 gross score of one hundred seventy points or more, seven thousand five
18 hundred dollars.**

19 **2. Moneys collected under this section shall be deposited in the
20 state treasury to the credit of the conservation commission under**

21 **section 252.050.**

22 **3. Moneys collected under this section shall be considered as**
23 **restitution to the citizens of the state and shall not be considered**
24 **penalties, forfeitures, or fines for the purposes of article IX, section 7,**
25 **Constitution of Missouri.**

26 **4. The commission may allocate up to twenty-five percent of the**
27 **moneys collected under this section for grants to promote antipoaching**
28 **activities.**

29 **5. A resident landowner, as defined by the commission, shall not**
30 **be required to provide restitution to the state under this section for the**
31 **taking, killing, possessing, or disposing of a deer in violation of**
32 **commission rules and regulations on such landowner's property,**
33 **provided that no part of such deer is removed from such property.**

252.043. 1. The commission may suspend, revoke or deny a hunting
2 permit or privilege for a maximum of five years when a person, while hunting,
3 inflicts injury by firearm or other weapon to another person who is mistaken for
4 game. No suspension, revocation or denial shall occur until an opportunity has
5 been afforded for a hearing before the commission. Any person who is determined
6 by the commission to have inflicted injury by firearm or other weapon shall be
7 required to successfully complete a department-approved hunter safety course
8 before his or her hunting permit or privilege shall be restored. The commission's
9 proceeding shall be a contested case pursuant to chapter 536, RSMo, and any
10 person aggrieved by a final decision shall be entitled to judicial review as
11 provided in chapter 536, RSMo.

12 **2. If any person fails to appear at a hearing or fails to pay a fine**
13 **imposed for any violation of section 252.040, the court shall notify the**
14 **commission of such person's actions for the commission's consideration**
15 **of the suspension, revocation, or denial of such person's permit or**
16 **privilege to pursue, take, kill, possess, or dispose of wildlife.**

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